

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: St Paul District
FILE NUMBER: 05-594-DJP

REGULATORY PROJECT MANAGER: Dale J. Pfeiffle **Date:** February 24, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** February 24, 2005
 At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin
County: Kenosha
Center coordinates of site by latitude & longitudinal coordinates: 42.6065495967N, 87.8796031246W
Approximate size of site/property (including uplands & in acres): 103
Name of waterway or watershed: Des Plaines, Illinois, Wisconsin

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): A wetland delineation completed by a private consultant was received for review and concurrence. The 103-acre parcel was found to have two separate wetlands. The first area is a 0.67 acre shallow marsh with a wooded fringe. This wetland discharges into the local storm water drainage system that would ultimately be connected to the Des Plaines River, a navigable water of the US. Therefore, this 0.67 acre wetland is subject to Corps jurisdiction. The second area is a 0.30 acre shallow marsh surrounded by wooded fringe. The 0.30 acre wetland is confined to a depressional area that lacks a surface outlet. A review of 2000 and 2002 aerial photography, the Pleasant Prairie USGS quadrangle, and the Kenosha County soil survey verified the lack of a surface water connection between the 0.30 acre wetland and a water of the US. In addition, the 0.30 acre wetland is not adjacent to a water of the US and lacks a link to interstate commerce.

The subject parcel is under consideration for commercial development. Development plans were not provided with the delineation report.